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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PATRIC KILKENNY, Plaintiff, v. GREENBERG TRAURIG, LLP AND MORGAN STANLEY, INC., YVONNE TRIMARCHI and KAREN MORITA, Defendants.	05 CV 6578 (NRB) **ORDER**

THIS MATTER, having been brought before the Court by Bressler, Amery & Ross, P.C., counsel for Defendant Morgan Stanley DW, Inc. ("Morgan Stanley"), on motion pursuant to Federal Rule of Civil Procedure 12(b)(6), for an Order dismissing Plaintiff's Complaint against Morgan Stanley and pursuant to Federal Rule of Civil Procedure 11 for sanctions against Plaintiff; and the Court having reviewed the submissions on behalf of the parties, and having considered the argument of counsel, and good cause having been shown;

IT IS on this day of , 2005,

ORDERED that Defendant Morgan Stanley's motion dismissing Plaintiff's Complaint with prejudice be and hereby is granted; and it is

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FURTHER ORDERED that Defendant Morgan Stanley's motion for sanctions pursuant to Fed. R. Civ. P. 11 be and hereby is granted, and that Plaintiff is hereby ordered to pay all Morgan Stanley's attorneys' fees and costs incurred in connection with the defense of this action (including the motion to dismiss); and it is

FURTHER ORDERED that within ___ days of the date hereof counsel for Morgan Stanley will file and serve an Affidavit of Fees and Costs; and within ___ days Plaintiff can file and serve any opposition to the amount of fees and costs requested and the Court shall then enter an Order assessing the specific amount of fees and costs to be paid by Plaintiff to Morgan Stanley; and it is

FURTHER ORDERED that a copy of this Order be served upon pro se Plaintiff within ___ days of the date hereof.

____
Naomi Reice Buchwald, U.S.D.J.